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11 *Attorneys for Defendants TRANSFIRST HOLDINGS, INC., TRANSFIRST,*
12 *LLC and TRANSFIRST THIRD PARTY SALES, LLC*

13 (Additional counsel listed on signature page)

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 (SAN FRANCISCO DIVISION)

17 JUST FILM, INC., RAINBOW BUSINESS
18 SERVICES, D/B/A PRECISION TUNE AUTO
19 CARE; BURLINGAME MOTORS, INC., DIETZ
20 TOWING, INC., THE ROSE DRESS, INC.,
VOLKER VON GLASENAPP; JERRY SU;
VERENA BAUMGARTNER; TERRY JORDAN;
AND LEWIS BAE on behalf of themselves, the
general public and those similarly situated

21 Plaintiffs,

22 vs.

23 MERCHANT SERVICES, INC.; UNIVERSAL
24 CARD, INC.; NATIONAL PAYMENT PROCESS-
25 ING; UNIVERSAL MERCHANT SERVICES COR-
PORATION; ATLAS PAYMENT PROCESS-ING;
26 UNITED BANK CARD OF AMERICA, INC.; SPC,
27 INC. d/b/a FIRST NATIONAL MERCHANTS SO-
LUTIONS; MBF LEASING LLC; MBF MER-
28 CHANT CAPITAL, LLC; NORTHERN FUNDING,
LLC; NORTHERN LEASING SYSTEMS, INC.;
CONGRESS FINANCIAL CORPORATION; GOL-
DEN EAGLE LEASING LLC; LEASE SOURCE,

Case No. 4:10-cv-01993-CW

**STIPULATION PURSUANT TO CIVIL
LOCAL RULE 6-1(a) TO EXTEND
DEADLINE TO ANSWER OR
OTHERWISE RESPOND TO FIRST
AMENDED CLASS ACTION
COMPLAINT**

and

**STIPULATED REQUEST PURSUANT
TO CIVIL LOCAL RULE 6-2(a) TO
WITHDRAW MOTIONS TO DISMISS
SET FOR HEARING ON AUGUST 5, 2010
AND ORDER THEREON (AS
MODIFIED)**

[Declaration of Maria Ellinikos filed
concurrently herewith]

1 INC.; LEASE FINANCE GROUP, LLC; TRANS-
2 FIRST HOLDINGS, INC.; TRANSFIRST FINAN-
3 CIAL INSTITUTIONS SERVICES; TRANSFIRST
4 INDEPENDENT SALES SERVICES; FIRST
5 NATIONAL BANK OF OMAHA; COLUMBUS
6 BANK AND TRUST CO.; MERRICK BANK;
7 THIRD FIFTH BANK; RBL CAPITAL GROUP,
8 LLC; WILLIAM HEALY; ROBERT LATOUSEK;
9 JAY COHEN; RICH HAHN; SARA KRIEGER;
10 JASON MOORE; LINA KRAVIC; BRIAN
11 FITZGERALD; SAM BUONO; PETER DE-
12 PALMA; FIONA WALSHE; AND ERIC MADURA
13 AND DOES 1 THROUGH 75

Defendants.

9 **WHEREAS**, on March 26, 2010, plaintiffs Just Film, Inc., Rainbow Business Services d/b/a
10 Precision Tune Auto Care, Volker von Glesenapp and Jerry Su (collectively, “Plaintiffs”) filed a class
11 action complaint against approximately 35 defendants in the Superior Court of the County of San
12 Francisco, Case No.CGC-10-498225 (the “Original Complaint”);

13 **WHEREAS**, on May 7, 2010, defendants TransFirst Holdings, Inc., TransFirst, LLC,
14 TransFirst Third Party Sales, LLC, Merchant Services, Inc., Universal Card, Inc., National Payment
15 Processing, Inc., Columbus Bank and Trust, Merrick Bank, Fifth Third Bank, Atlas Payment
16 Processing, MBF Leasing, LLC, MBF Merchant Capital, LLC, Northern Funding, LLC, Northern
17 Leasing Systems, Inc., Golden Eagle Leasing, LLC, Lease Source, Inc., Lease Finance Group, LLC,
18 RBL Capital Group, LLC, William Healy, Jay Cohen, Rich Hahn, Sara Krieger, Jason Moore, Lina
19 Kravic, Sam Buono, Brian Fitzgerald, Fiona Walshe and Eric Madura (collectively, the “Served
20 Defendants”) removed the action to this Court, pursuant to Title 28, Sections 1441 and 1453 of the
21 United States Code;

22 **WHEREAS**, by stipulation by and among counsel for Plaintiffs and counsel for the Served
23 Defendants, the parties coordinated and extended the deadline for the Served Defendants to answer or
24 otherwise respond to the complaint until June 4, 2010; and an order was entered on May 17, 2010 by
25 the Honorable James Larson, United States Magistrate Judge;

1 **WHEREAS**, on or about June 4, 2010, the Served Defendants responded to the Original
2 Complaint by answer or motion, including, *inter alia*, motions to dismiss under Fed. R. Civ. P. 12(b),
3 to change venue, and to stay the action pending arbitration;

4 **WHEREAS**, the hearings on the motions to dismiss filed by the Served Defendants on or about
5 June 4, 2010 are set for August 5, 2010;

6 **WHEREAS**, on June 25, 2010, Plaintiffs filed a First Amended Class Action Complaint in this
7 action (the “First Amended Complaint”)¹;

8 **WHEREAS**, due to the filing of the First Amended Complaint, the motions to dismiss filed by
9 the Served Defendants on or about June 4, 2010 became moot;

10 **WHEREAS**, pursuant to Federal Rule of Civil Procedure 15(a)(3), the Served Defendants have
11 until July 12, 2010 to respond to the First Amended Complaint;

12 **WHEREAS**, the parties believe a coordinated and extended deadline for the Served
13 Defendants to answer or otherwise respond to the First Amended Complaint will conserve resources
14 and promote judicial economy;

15 **WHEREAS**, on June 8, 2010, a Case Management Scheduling Order was issued by the
16 Honorable Claudia Wilken, pursuant to which a Case Management Statement must be submitted to the
17 Court on or before August 3, 2010, and a Case Management Conference has been set for August 10,
18 2010;

19 **WHEREAS**, the Plaintiffs request that the Case Management Statement scheduled for August
20 3, 2010, and the corresponding Case Management Conference scheduled for August 10, 2010 remain
21 on the calendar and the Served Defendants will move for it to be adjourned until any motions filed by
22 Served Defendants in response to the First Amended Complaint have been decided;

23 **NOW, THEREFORE, IT IS HEREBY STIPULATED**, by and between the undersigned
24 parties, through their respective counsel of record, pursuant to Civil Local Rules 6-1(a) and 6-2(a) and
25 Rule 6 of the Federal Rules of Civil Procedure, as follows:

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28 ¹ The First Amended Complaint included the following additional plaintiffs: Burlingame Motors, Inc., Dietz Towing, Inc.,
The Rose Dress, Inc., Verena Baumgartner, Terry Jordan and Lewis Bae.

1 1. The Served Defendants shall answer or otherwise respond to the First Amended
2 Complaint no later than July 26, 2010, and shall set any motions filed in response to the First Amended
3 Complaint for hearing on September 2, 2010 or the next available Court day on which the assigned
4 judge is hearing civil motions;

5 2. Plaintiffs shall oppose any such motions filed in response to the First Amended
6 Complaint in accordance with the local rules;

7 3. Served Defendants shall reply to any such oppositions in accordance with the local
8 rules;

9 4. Served Defendants hereby declare their motions to dismiss filed on or about June 4,
10 2010 to be moot and withdraw their request for hearing on said motions;

11 5. Plaintiffs and Served Defendants have met and conferred about the Case Management
12 Statement scheduled for August 3, 2010, and the corresponding Case Management Conference
13 scheduled for August 10, 2010. Plaintiffs request that the events remain on the calendar as currently
14 scheduled and the Served Defendants intend to move for these events to be adjourned until any
15 motions filed by Served Defendants in response to the First Amended Complaint have been decided.

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1 DATED: July 7, 2010

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3 Respectfully submitted,

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6 **AKIN GUMP STRAUSS**
7 **HAUER & FELD LLP**

8
9 By: /s/ Maria Ellinikos
10 Maria Ellinikos

11
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13 *Holdings, Inc., Transfirst, LLC and*
14 *Transfirst Third Party Sales, LLC*

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29 *Bank and Trust Company*

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17 Jerry Su, Burlingame Motors, Inc., Dietz
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34 Processing, Inc., Jason Moore and Eric
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Attorneys for Defendants MBF Merchant Capital, LLC and William Healy

III

ORDER

Pursuant to Civil Local Rule 6-2(a), and **GOOD CAUSE APPEARING THEREFOR**, it is therefore ORDERED that:

1. The Served Defendants shall answer or otherwise respond to the First Amended Complaint no later than July 26, 2010, and shall set any motions filed in response to the First Amended Complaint for hearing on September 9, 2010;

2. Plaintiffs shall oppose any such motions filed in response to the First Amended Complaint in accordance with the local rules;

3. Served Defendants shall reply to any such oppositions in accordance with the local rules;

4. All pending motions filed by the Served Defendants on or about June 4, 2010 in response to the Original Complaint are deemed moot, and the hearings on said motions set for Aug 5, 2010 are vacated. The Case Management Conference is continued to September 9, 2010.

IT IS SO ORDERED.

DATED: 7/12/2010

Claudia Wilken
THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

I, Maria Ellinikos, am the ECF user whose ID and password are being used to file this document. In compliance with section X(B) of General Order 45, I hereby attest that Adam J. Gutride, Cary Sullivan, Stephen Coleangelo, Robert N. Webner, Scott M. Pearson, Jennifer Nigro, James Cai, and John M. Heaphy concurred in this filing.

/s/ *Maria Ellinikos*